

REMARKS

This Amendment is filed in response to the Final Office action mailed May 4, 2010, with Request for Continued Examination (RCE) filed herewith on even date. All objections and rejections are respectfully traversed.

Claims 1 – 15, 19 – 20, and 23 – 42 are pending in this case.

No Claims have been amended or added.

Claim Rejection – 35 USC §103

At pages 2 – 17 of the Office Action claims 1, 3, 6 – 10, 13 – 15, 19, 20, 23, 25, 28 – 31, 33, and 36 – 42 were rejected under 35 U.S.C §103(a) as being unpatentable over Federwisch et al., U.S. Patent Publication No. 2003/0182313 (hereinafter “Federwisch”), in view of Edwards, U.S. Publication No. 2003/0182389 (hereinafter “Edwards”).

The Applicant respectfully submits that the attached supplemental declarations under 37 C.F.R §1.31, that are signed by joint inventors Vinay Gupta and Vijayan Rajan, establish completion of the invention of this application in the United States at a **date prior** to the effective date of the prior art publications. Specifically, the Applicant notes that the publication date of the Federwisch patent and the Edwards patent of September 25, 2003 is after the date of invention established by the attached supplemental declarations under 37 C.F.R. 1.31. More specifically, the Applicant notes that the supplemental declarations provide specific dates and facts that establish diligence on behalf of the Applicant.

Accordingly, the Applicant respectfully requests withdrawal of the Federwisch patent and the Edwards patent as prior art references and allowance of claims 1, 3, 6 – 10, 13 – 15, 19, 20, 23, 25, 28 – 31, 33, and 36 – 42.

At pages 17 – 20 of the Office Action, claims 2, 4, 5, 11, 12, 24, 26, 27, 32, 34, and 35 were rejected under 35 U.S.C §103(a) as being unpatentable over Federwisch in view of Edwards in further view of Haskin et al., U.S. Publication No. 2003/0158863 (hereinafter “Haskin”).

The Applicant notes that claims 2, 4, 5, 11, 12, 24, 26, 27, 32, 34, and 35 are dependent claims that depend from independent claims believed to be in condition for allowance. Accordingly, claims 2, 4, 5, 11, 12, 24, 26, 27, 32, 34, and 35 are believed to be allowable at least due to their dependency, among other reasons.

All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims which are believed to be in condition for allowance. Accordingly, all dependent claims are believed to be in condition for allowance.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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